

Message Text

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ORIGIN L-03

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DRAFTED BY L/N:RDSLOAN:AVW
APPROVED BY OES/NET:LVNOSENZO
OES/NET - MR. DEMING
S/AS - MR. KELLEY
ACDA - MR. VAN DOREN
DOE - MR. BRUSH
DOE - MR. BENGELSDORF
NEA/IRN - MR. CRAWFORD
T/D - MR. WELCH
L/N - MR. BETTAUER
-----030439 052342Z /61
O 052229Z MAY 78
FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN IMMEDIATE

C O N F I D E N T I A L STATE 115476

E.O. 11652: GDS

TAGS:

SUBJECT: U.S.-IRAN NUCLEAR COOPERATION AGREEMENT

REFS: (A) TEHRAN 4015 (B) STATE 103960 (C) CANBERRA 3446

1. GIVEN THAT WE HAVE ESSENTIALLY FINALIZED ALL OTHER
ASPECTS OF THE NEGOTIATION, WE ARE MOST CONCERNED WITH
AEOI VICE PRESIDENT MANZOOR'S REACTION TO THE MFN CLAUSES
CONTAINED IN REFTEL B. AS EMBASSY APPRECIATES PROPOSALS
USG PUT FORWARD WERE CONSIDERED AT THE HIGHEST LEVELS
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HERE AND WERE DESIGNED TO BE RESPONSIVE TO THE NEEDS OF
THE IRANIAN PROGRAM AND TO TAKE INTO ACCOUNT THE LAST
ROUND OF DISCUSSIONS IN VIENNA. YOU THEREFORE ARE
AUTHORIZED TO CALL THIS MATTER TO THE ATTENTION OF SENIOR
OFFICIALS IN THE GOI IF YOU JUDGE THIS TO BE DESIRABLE.
WITH RESPECT TO PARA ONE IN REFTEL A, IT IS THE CLEAR
RECOLLECTION OF THOSE WHO ATTENDED THE FEBRUARY NEGOTIA-

TIONS WITH MANZOOR IN VIENNA THAT THE THREE BROAD LIMITATIONS ON THE APPLICABILITY OF THE GENERAL MFN CLAUSE (FUEL ASSURANCES, EFFICIENT AND ECONOMIC OPERATION OF THE IRANIAN NUCLEAR PROGRAM, AND THE EXCHANGE OF NUCLEAR TECHNOLOGY) WERE SUGGESTED BY MANZOOR AND WERE SPECIFICALLY OFFERED IN ORDER TO INSURE THAT THE GENERAL MFN CLAUSE COVERED ALL AREAS OF ACTUAL OR POTENTIAL INTEREST TO IRAN, BUT AT THE SAME TIME GAVE THE U.S. SOME LIMITED FLEXIBILITY TO MAKE CERTAIN SPECIAL OR EMERGENCY ARRANGEMENTS WITH OTHER COUNTRIES. IN RESPONSE TO MANZOOR'S VIEWS AS EXPRESSED IN THE LAST SENTENCE OF PARA ONE OF REFTEL A, WE SHOULD NOTE THAT THE GENERAL MFN CLAUSE HAS BEEN QUALIFIED ONLY AS SUGGESTED BY MANZOOR IN VIENNA AND HAS NOT BEEN LIMITED IN TERMS OF "TIME".

2. WITH RESPECT TO PARAS TWO AND THREE OF REFTEL A, WE BELIEVE THAT THE REPROCESSING MFN CLAUSE IS SUITABLY DESIGNED TO GIVE IRAN BROAD FLEXIBILITY AND FREEDOM OF ACTION TO MEET THE NEEDS OF ITS NUCLEAR PROGRAM. WITH REGARD TO THE TIME FRAME LIMITATION IN THE REPROCESSING MFN PROVISION, MANZOOR AND OTHERS IN GOI SHOULD UNDERSTAND THAT IT IS THE VIEW OF THE USG THAT NO USEFUL PURPOSE WOULD SEEM TO BE SERVED BY REQUIRING THE U.S. TO APPROVE REPROCESSING OF IRANIAN SPENT FUEL SIMPLY BECAUSE SUCH APPROVAL HAD BEEN GIVEN FOR THE REPROCESSING

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OF ANOTHER COUNTRY'S SPENT FUEL MANY YEARS EARLIER. THE "IN THE SAME TIME FRAME" QUALIFICATION ON THE REPROCESSING MFN CLAUSE IS IN NO WAY DESIGNED TO RESTRAIN THE IRANIAN NUCLEAR PROGRAM OR TO IN ANY WAY PREVENT IRAN FROM DEVELOPING A CIVIL NUCLEAR PROGRAM WHICH IS COMPETITIVE WITH THOSE OF THE MOST ADVANCED NUCLEAR SUPPLIER NATIONS. IT IS SIMPLY DESIGNED TO AVOID THE U.S. HAVING TO SIGN A "BLANK CHECK" WHICH MIGHT CALL FOR THE APPROVAL FOR THE REPROCESSING OF IRANIAN SPENT FUEL FAR IN THE FUTURE, UNDER CIRCUMSTANCES WHICH CANNOT NOW BE FORESEEN. WHILE THIS ASPECT OF OUR FORMULATION MAY NOT BE ENTIRELY RESPONSIVE TO MANZOOR'S EARLIER EXPRESSED DESIRES, WE BELIEVE OUR PROPOSAL SHOULD BE VIEWED IN A SPIRIT OF MUTUAL TRUST AND CONFIDENCE.

3. CONCERNING PARA FOUR OF REFTEL A, WE WOULD NOT OBJECT TO AMENDING FIRST PARA IN THIS MFN FORMULATION AS FOLLOWS: "IRAN REQUESTED THAT THE COOPERATION PROVIDED FOR IN THE AGREEMENT BE IMPLEMENTED IN A MANNER THAT ASSURES RELIABLE FUEL SUPPLIES, THE EFFICIENT AND ECONOMIC OPERATION OF THE IRANIAN NUCLEAR PROGRAM, AND THE EXCHANGE OF NUCLEAR TECHNOLOGY, AND THAT SUCH

COOPERATION BE RESPONSIVE TO THE NEEDS OF ITS NUCLEAR PROGRAM." WE DO NOT BELIEVE THIS CHANGE WOULD ALTER SUBSTANCE OF U.S. COMMITMENT. WHILE WE DO NOT UNDERSTAND WHY THIS FORMULATION WOULD BE MORE ACCEPTABLE TO IRAN, WE WOULD BE PREPARED TO ACCEPT IT IF IT RESULTS IN AGREEMENT.

4. WE REQUEST THAT EMBASSY OFFICIALS EXPLAIN THE CONTENTS OF PARAS ONE THROUGH THREE TO MANZOOR. WE ASSUME

THAT MANZOOR IS SPEAKING FOR HIGHEST LEVELS OF GOI, BUT WOULD APPRECIATE RECEIVING YOUR VIEWS ON THIS SUBJECT. FYI: IT APPEARS TO US THAT MANZOOR MAY BE BACKING AWAY FROM THE POSITION HE PUT FORWARD IN VIENNA CONCERNING CONFIDENTIAL

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GENERAL MFN PROVISION, PERHAPS IN AN EFFORT TO STRENGTHEN HIS HAND IN REMOVING "TIME FRAME" LANGUAGE FROM REPROCESSING MFN CLAUSE. WHILE WE UNDERSTAND HIS MOTIVATION AND THE PRESSURES HE IS UNDER, WE ARE UNDER FIRM INSTRUCTIONS TO ADHERE TO MFN LANGUAGE CONTAINED IN REFTEL B. END FYI.

5. WE BELIEVE THAT REFTEL C IS ANSWERED IN PARAS 1 THROUGH 4. CONCERNING PARA 5 OF REFTEL C, SINCE THE LANGUAGE PROPOSED BY IRAN IS QUITE SIMILAR TO THAT AGREED TO AD REFERENDUM IN NEGOTIATIONS IN VIENNA IN FEBRUARY, WE CAN ACCEPT THIS FORMULATION. CHRISTOPHER

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